

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO**

|                              |   |                            |
|------------------------------|---|----------------------------|
| THE HONORABLE REVEREND       | : | CASE NO. 4:21-cv-2267      |
| KENNETH L. SIMON, ET AL.     | : | RELATED CASE. 4:88-CV-1104 |
|                              | : |                            |
| PLAINTIFFS,                  | : | JUDGE JOHN R. ADAMS        |
|                              | : |                            |
| VS.                          | : |                            |
|                              | : | “THREE-JUDGE PANEL         |
|                              | : | REQUESTED”                 |
| GOVERNOR MIKE DEWINE, ET AL. | : |                            |
|                              | : | “CLASS-ACTION ALLEGATIONS” |
| DEFENDANTS.                  | : |                            |
|                              | : | “CLAIM OF                  |
|                              | : | UNCONSTITUTIONALITY”       |

**PLAINTIFFS’ STATUS REPORT**

In accordance with this Honorable Court’s January 13, 2022 directive, ECF Docket #21, Plaintiffs, The Honorable Reverend Kenneth L. Simon, The Honorable Reverend Lewis Macklin, and Helen Youngblood, successor class representatives of the class of African- American voters certified in Northern District of Ohio, Case No. 4:88-cv-1104, Ezell Armour v. State of Ohio, hereby submit their status report.

Plaintiffs hereby join the status report submitted by Defendants on March 11, 2022, ECF Docket #22, save and excepting the final sentence in Defendants’ status report, which requests continuation of the stay ordered in this action on January 12, 2022. For reasons discussed below Plaintiffs request immediate relief from the stay to permit this Court to remedy the ongoing violation by Defendants’ of Plaintiffs’ voting rights.

The Ohio Supreme Court has not yet ruled on Ohio’s state redistricting plan approved by Defendants on February 24, 2022. A revised Congressional plan was submitted to the Ohio Supreme Court on March 2, 2022. The Ohio Supreme Court has not ruled on the lawfulness of the Congressional Plan either.

On February 18, 2022, a federal action was filed in the Southern District of Ohio that requests the Court declare Ohio's current legislative districts unconstitutional, permanently enjoin the Ohio Secretary of State from conducting elections under the current districts, and implement the legislative districts approved by Defendants prior to the February 22, 2022 submission, Case No. 2:22-CV-0772, Michael Gonidakis v. Ohio Redistricting Commission, et al., A S.D. Ohio L.R. 65.1 conference was conducted in the S.D. Ohio action today. The Southern District of Ohio Court announced that it would briefly defer further proceedings in that action until the Ohio Supreme Court has ruled on the most recent plan submissions.

It is the view of Plaintiffs in this action, that the January 12, 2022 stay should now be vacated. Plaintiffs request an immediate declaration issue to Defendants that in order for the current ongoing redistricting process to comply with §2 of the Federal Voting Rights Act and the Fourteenth and Fifteenth Amendments, Defendants must consider racial demographics, racially polarized voting and the factors enumerated in the Senate Report supporting passage of the Voting Rights Act of 1965, as amended in connection with the ongoing legislative district configuration process, something Defendants have adopted a policy of ignoring. In addition immediate action should be taken by this Court to preserve Plaintiffs' status under the first-to-file rule. Plaintiffs have conditionally intervened in the SD Ohio action in order to protect their first to file status. Accordingly, Plaintiffs respectfully request that the stay in this action be vacated immediately in order to enable this Court to remedy the ongoing violation by Defendants of Plaintiffs' voting rights.

/s/ Percy Squire

Percy Squire (0022010)  
Percy Squire Co., LLC  
341 S. Third Street, Suite 10  
Columbus, Ohio 43215  
(614) 224-6528, Telephone  
(614) 224-6529, Facsimile  
[psquire@sp-lawfirm.com](mailto:psquire@sp-lawfirm.com)

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served by operation of the United States District Court, Northern District of Ohio electronic filing system, on March 14, 2022.

/s/ Percy Squire

Attorney for Plaintiff (0022010)